

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO**

SANDRA CASHCOLLAR,)	
)	
Plaintiff,)	Case No.:
)	
v.)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
DIVERSIFIED CONSULTANTS, INC. ,)	
)	(Unlawful Debt Collection Practices)
Defendant.)	
)	

SANDRA CASHCOLLAR (“Plaintiff”), by and through her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against DIVERSIFIED CONSULTANTS, INC. (“Defendant”):

INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant’s regularly conducts business in the State of Ohio, and as such, personal jurisdiction is established.

1 15. However, Defendant ignored Plaintiff's request and continued to call her.

2 16. Once Defendant was aware that its calls were unwanted continued calls could
3 only be for the purpose of harassment.

4 17. Defendant also called at inconvenient times, such as when she was at school.

5 18. Plaintiff told Defendant that it was not convenient for her to receive calls while at
6 school.

7 19. Despite, Plaintiff's indication that it was not convenient to receive calls at school,
8 Defendant continued to call her during school hours.

9 20. Defendant's actions, as described herein, were taken with the intent to harass,
10 deceive and coerce payment from Plaintiff for a debt she does not owe.
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13 **COUNT I**
14 **DEFENDANT VIOLATED §§ 1692d and 1692d(5) OF THE FDCPA**

15 21. A debt collector violates § 1692d by engaging in any conduct the natural
16 consequence of which is to harass, oppress or abuse any person in connection with the collection
17 of a debt.

18 22. A debt collector violates § 1692d(5) by causing a telephone to ring or engaging
19 any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or
20 harass any person at the called number.

21 23. Defendant violated §§ 1692d and 1692d(5) when it placed repeated harassing
22 telephone calls to Plaintiff, including after Plaintiff told Defendant to stop calling.
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COUNT II
DEFENDANT VIOLATED § 1692f OF THE FDCPA

24. A debt collector violates § 1692f by using unfair or unconscionable means to collect or attempt to collect any debt.

25. Defendant violated § 1692f when it called her repeatedly including after it was told to stop calling, and when it called Plaintiff at school despite knowledge it was not convenient for her to receive calls at school.

COUNT III
DEFENDANT VIOLATED § 1692c(a)(1) OF THE FDCPA

26. A debt collector violates section 1692c(a)(1) of the FDCPA by communicating with a consumer in connection with the collection of any debt at any unusual time or place or at any time or place known or which should be known to be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8 o'clock antimeridian and before 9 o'clock postmeridian, local time at the consumer's location.

27. Defendant violated section 1692c(a)(1) of the FDCPA when it called Plaintiff at inconvenient times, such as when she was at school.

WHEREFORE, Plaintiff, SANDRA CASHCOLLAR, respectfully prays for a judgment as follows:

- a. All actual damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A.);

1 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
2 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and

3 d. Any and all other relief deemed appropriate by this Honorable Court.
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5 **DEMAND FOR JURY TRIAL**

6 PLEASE TAKE NOTICE that Plaintiff, SANDRA CASHCOLLAR, demands a jury
7 trial in this case.
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9
10 Respectfully submitted,

11 Dated: September 23, 2015

12 /s/ Amy Bennecoff Ginsburg
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